

McNamara Declaration

Exhibit 131

From: Michelle Wu
Sent: Tuesday, November 7, 2017 3:23 PM EST
To: Lila Bailey
Subject: Fwd: IIMPORTANT: Note re Controlled Digital Lending

Attorney Client
[REDACTED]

----- Forwarded message -----

From: [REDACTED]
Date: Tue, Nov 7, 2017 at 2:24 PM
Subject: Fwd: IIMPORTANT: Note re Controlled Digital Lending
To: Michelle Wu <@law.georgetown.edu>

May need some back up
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Begin forwarded message:

From: Peter Jaszi [REDACTED]
Date: November 7, 2017 at 2:21:08 PM EST
To: [REDACTED]
Subject: IIMPORTANT: Note re Controlled Digital Lending

Dear [REDACTED]:

Forgive the capitals, please, but they are justified. I understand the [REDACTED] has signed onto the Internet Archives legal “analysis” of CDL. This is a one-sided puff piece that seriously misrepresents both the state of the law and the risks to institutions of pursuing the strategy. It may serve the institutional interests of the IA, but they will not be bearing the costs of the litigation that is bound to follow if this model is rolled out. I think you know me as a strong advocate for responsibly aggressive reliance on fair use, but this document is beyond the pale. I’ll be speaking out strongly against its conclusions when and if it is publicly released, and I hate to see [REDACTED] associated with it in any way. It would be great to talk about this, if you’re interested. I can be reached more or less continuously on [REDACTED]
[REDACTED]

With best wishes, in haste and urgency,

— Peter

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